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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO

In re:

BILLY JOE WEAVER, JR. and
GAIL LYNN WEAVER,

Case No. 11-10786B-13F
Chapter 13
D.C. No. PBB-1

HEARING

Date: January 17, 2012
Time: 1:00 p.m.
Dept B
Ct rm: 12 (5th Floor)
United States Bankruptcy Court
2500 Tulare Street
Fresno, California 93721-1318

[HONORABLE W. RICHARD LEE]

Debtors. /

**MOTION FOR CONFIRMATION OF FIRST MODIFIED
CHAPTER 13 PLAN PURSUANT TO 11 USC SECTION 1329**

The Debtors, Billy Joe Weaver, Jr. and Gail Lynn Weaver (hereinafter referred to as "Debtors"), hereby move this Court for an Order confirming the First Modified Plan.

The Debtors hereby move this Court for an Order approving the First Modified Plan for the following reasons:

1. Billy Joe Weaver, Jr. And Gail Lynn Weaver, are the Debtors in case number 11-10786. Their petition was filed on January 25, 2011.

2. The original Chapter 13 Plan filed on January 25, 2011 proposed payments of \$1,900.00 per month for 60 months with 100 percent to unsecured creditors. This Plan was confirmed on April 12, 2011.

1 3. To date, the Debtors have been in bankruptcy for 21 months and have tendered
2 \$33,300.00 to the Trustee for Plan payments.

3 4. The Debtors do not have any mortgage loans.

4 5. The Debtors are requesting a deferment of Plan payments with payments to
5 resume in December 2012.

6 6. Filed concurrently herewith as Exhibit "A" is a copy of Debtors' most recent
7 pay-stubs/payroll register report.

8 7. Filed concurrently herewith as Exhibit "B" is a copy of the results from a
9 financial calculator used to determine Debtor's estimated taxes for the year.

10 8. In this First Modified Plan the Plan payments are as follows: aggregate amount
11 of \$33,300 in the first 22 months, then \$650.00 per month for 38 months. Unsecured creditors
12 will receive 10 percent.

13 9. Filed concurrently herewith as Exhibit "C" is a copy of Debtors' amended
14 Schedule I and J. The total income and deductions listed in Schedule I reflect what the Debtor
15 expects to earn now that Almond season has ended. Debtor will provide updated pay-stubs
16 closer to the hearing to substantiate the changes made to Schedule I. The deductions listed in
17 Schedule J have been updated based on information provided by the Debtors and/or using the
18 standards allowed on B22C.

19 10. The Debtor hereby move this Court to confirm the First Modified Chapter 13
20 Plan, which was served on Michael H. Meyer, all creditors and all interested parties and is filed
21 concurrently herewith.

22 11. The First Modified Plan complies with applicable law.

23 12. Any fees or charges required by Chapter 123 of Title 28 of the U.S. Code
24 have been paid.

25 13. The Plan is proposed in good faith and is not by any means forbidden by law.
26 The Petitions was filed in good faith. The Debtors have been in this bankruptcy case for 21
27 months and intend to complete this Plan.

28 14. Unsecured creditors will receive 10 percent which is more than what they

1 would receive in the event of a Chapter 7 liquidation. The general unsecured creditors would
2 receive \$0.00 under the Chapter 7 liquidation analysis. Debtors have listed all assets in Schedule
3 A and B and believes the values remain the same, if not less.

4 15. As required by section 1325(a)(5)(B), the plan provides that all secured
5 creditors retain their lien on their collateral until the secured claim is paid or until the creditors
6 accepts surrender of their collateral. All secured creditors have either accepted the Plan, will be
7 allowed to collect and dispose of the collateral via surrender thereof, or will be paid the value of
8 their collateral pursuant to terms of the Plan. This Plan does not require any motions to value.

9 16. The Debtors have no domestic support obligation.

10 17. The Debtors have filed all applicable tax returns which have become due for
11 the last four years.

12 Based on the foregoing, the Debtors respectfully request that the Court confirm
13 the First Modified Chapter 13 Plan.

14
15 Dated: 11-6-12



PETER B. BUNTING
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